SINGLE BENCH (2) (4)

cf 1002

IN THE HIGH COURT OF JUDICATURE AT BILASPUR CHHATTISGARH

W. P. (S) No. 931 / 2007

PETITIONER : Sewak Ram Patel, S/o. Shri Udey Ram Patel, aged about 53 years, Working as Assistant Teacher, Govt. Middle School - Raliya, Distt. - Korba (C.G.)

F.R. No. 1190/07 Presented by Shri Amar Sharma dated 9/2/07

VERSUS

RESPONDENTS

1. State of Chhattisgarh Through The Secretary Department of School Education D.K.S. Bhawan, Mantralaya Raipur (C.G.)
2. The District Education Officer, Distt. - Blaspur(C.G.)
3. Assistant Commissioner, Tribal Welfare Department Korba (C.G.)
4. Block Education Officer, Block - Korba, Kartala, Katghora Distt. - Korba (C.G.)

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S.R. Kaushik

(3)

WRIT PETITION UNDER ARTICLE 226 OF THE

CONSTITUTION OF INDIA

(22)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. (S) No. 931 of 2007

Petitioner : Sewak Ram Patel

Versus

Respondents : State of Chhattisgarh & others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri.**

Mr. Amit Kumar Sharma, Advocate for the Petitioner.

Ms. Dipali Pandey, Panel Lawyer for the State/respondents.

ORDER

(Passed on this 20th Day of February, 2007)

1. Learned counsel appearing for the petitioner submits that the petitioner is working as Assistant Teacher. The petitioner has obtained B.Ed. Examination certificate on 27-3-1997, on his own expenses.

2. Learned counsel appearing for the petitioner submits that the question involved, herein asto whether the teacher, who obtained B.Ed. Examination Certificate on his own expenses, is entitled to two advance increments.

3. According to learned counsel for the petitioner, the petitioner is entitled to two advance increments in view of the decision of this Court in the case of **Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another** {2006 (II) MPJR-CG 96}. This Court in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra), came to the conclusion that the teachers,

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who had obtained B. Ed. /B.T.I. Examination Certificate on their own expenses, are covered by the circular dated 24.12.98 issued by the State Government of Madhya Pradesh.

4. Learned counsel for the petitioner further submits that the facts and question of law involved in the present case are squarely covered by decision of this Court in the case of **Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another** (Supra), to which learned counsel appearing for the respondents fairly concedes and agrees with the averment made by learned counsel appearing for the petitioner.

5. Accordingly, the writ petition is allowed in terms of the order passed in the case of **Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another** (Supra), subject to verification of the fact as to whether the petitioner has acquired B.Ed. Examination Certificate on his own expenses as per the circulars dated 24.12.1998 & 1.3.1999 and further whether he has been paid two advance increments or not. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Subhash